General Assembly

Distr.: General
23 March 2006

Sixtieth session
Agenda item 71 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.3 and Corr.1)*]

60/233. Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 59/263 of 23 December 2004, those of the Commission on Human Rights, the most recent of which is resolution 2005/10 of 14 April 2005,[3] and the conclusions of the International Labour Conference of 4 June 2005,

Bearing in mind Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security, resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict and resolution 1612 (2005) of 26 July 2005 on children in armed conflict, and the report of the Secretary-General on children and armed conflict,[4]

Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieving sustainable development and economic growth, and affirming that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

---

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[4] A/59/695-S/2005/72.

1. *Welcomes*:

(*a*) The reports of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar[5] and the reports of the Secretary-General;[6]

(*b*) The personal engagement and statements of the Secretary-General with regard to the situation of Myanmar;

(*c*) The efforts of the United Nations and other international humanitarian organizations to deliver urgently needed humanitarian assistance to the most vulnerable people in Myanmar;

(*d*) The release by the Government of Myanmar of two hundred and forty-nine political prisoners on 6 July 2005, while noting that over one thousand, one hundred political prisoners remain incarcerated;

(*e*) The establishment by the Government of a committee for the prevention of military recruitment of underage soldiers and the adoption in November 2004 of an outline plan of action to address the issues of underage recruitment and child soldiers;

(*f*) The ratification by Myanmar on 30 March 2004 of the United Nations Convention against Transnational Organized Crime and two of the Protocols thereto, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air,[7] and the enactment by Myanmar on 13 September 2005 of an Anti-trafficking in Persons Law drawn up in accordance with the Convention;

2. *Expresses grave concern* at:

(*a*) The ongoing systematic violation of the human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar, including violations of the right to an adequate standard of living, discrimination and violations suffered by persons belonging to ethnic nationalities, women and children, especially in non-ceasefire areas, including but not limited to extrajudicial killings, rape and other forms of sexual violence persistently carried out by members of the armed forces, continuing use of torture, deaths in custody, political arrests and continuing imprisonment and other detentions; forced relocation; forced labour, including child labour; trafficking in persons; denial of freedom of assembly, association, expression and movement; wide disrespect for the rule of law, continuing recruitment and use of child soldiers, use of landmines, and the confiscation of arable land, crops, livestock and other possessions;

(*b*) The extension of the house arrest of the General Secretary of the National League for Democracy, Aung San Suu Kyi, and her deputy, Tin Oo, and the persistent denial of their human rights and fundamental freedoms, including freedom of movement and association, as well as the continuing detention, particularly incommunicado detention, of other senior leaders of the League and of the leadership of other political parties or ethnic nationalities, particularly the

[5] E/CN.4/2005/36 and A/60/221.

[6] E/CN.4/2005/130 and A/60/422 and Corr.1.

[7] Resolution 55/25, annexes I–III.

detention of Khun Htun Oo and Sai Nyunt Lwin, Chairman and General Secretary, respectively, of the Shan Nationalities League for Democracy, and Sao Hso Ten, Chairman of the Shan State Peace Council;

(*c*) The consistent harassment of members of the National League for Democracy and other politicians, and the fact that no full and independent inquiry, with international cooperation, into the attack perpetrated near Depayin on 30 May 2003 has been initiated, despite the decision taken thereon by the General Assembly in its resolution 58/247 of 23 December 2003;

(*d*) The absence of a substantive and structured dialogue with Aung San Suu Kyi and the National League for Democracy, and some representative ethnic groups, that facilitates national reconciliation, coupled with continuing restrictions placed on the League and other political parties, which have prevented them from participating in the National Convention, including the continued closure of the regional offices of the League;

(*e*) The renewed attacks by military forces on ceasefire groups in violation of ceasefire agreements, and the subsequent and continuing violations of human rights, and the deterioration of the enjoyment of human rights by the affected populations;

(*f*) The continuing denial of the freedom of human rights defenders to pursue their legitimate activities;

(*g*) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries, and recalls in this context the obligations of Myanmar under international law;

(*h*) The fact that the Government of Myanmar, as noted by the 2005 International Labour Conference, has still not implemented the recommendations of the International Labour Organization Commission of Inquiry, has yet to demonstrate its stated determination to eliminate forced labour and take the necessary measures to comply with the International Labour Organization Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29), and has yet to demonstrate commitment at the highest level to a substantive policy dialogue that can address the forced labour problem;

(*i*) The fact that the Special Envoy of the Secretary-General for Myanmar and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar have been unable to visit the country for almost two years, despite repeated requests;

(*j*) The imposition of various travel restrictions on United Nations and other international organizations undertaking to enable access for the delivery of humanitarian assistance to all parts of Myanmar, and notes the related withdrawal of the Global Fund to Fight AIDS, Tuberculosis and Malaria;

3. *Strongly calls upon* the Government of Myanmar:

(*a*) To end the systematic violations of human rights in Myanmar and to ensure full respect for all human rights and fundamental freedoms;

(*b*) To end impunity and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(*c*) To consider as a matter of high priority becoming a party to all instruments of international human rights law and international humanitarian law, and to ensure that existing legal obligations are implemented;

(*d*) To promote the full enjoyment of all human rights and allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

(*e*) To put an immediate end to the recruitment and use of child soldiers and to extend full cooperation to relevant international organizations in order to ensure the demobilization of child soldiers, their return home and their rehabilitation in accordance with Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005), and stresses the need for the Government of Myanmar to maintain close dialogue with the United Nations Children's Fund and to cooperate with the Special Representative of the Secretary-General for Children and Armed Conflict in accordance with Council resolutions 1539 (2004) and 1612 (2005);

(*f*) To end widespread rape and other forms of sexual violence persistently carried out by members of the armed forces, in particular against women belonging to ethnic nationalities, and to investigate and bring to justice any perpetrators in order to end impunity for those acts;

(*g*) To end the systematic forced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons, in cooperation with the international community, and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies in accordance with international law, including applicable international humanitarian law;

(*h*) To release all political prisoners immediately and unconditionally, including National League for Democracy leaders Aung San Suu Kyi and Tin Oo, and Shan Nationalities League for Democracy leader Khun Htun Oo and other Shan leaders, and to allow their full participation in an inclusive and credible process of national reconciliation;

(*i*) To lift all restraints on peaceful political activity of all persons, including former political prisoners, by, inter alia, guaranteeing freedom of association and freedom of expression, including freedom of the media, and to ensure unhindered access to information for the people of Myanmar and to desist from arresting and punishing persons for their peaceful political activities;

(*j*) To urgently resolve the serious issues identified by the very High-level Team and the International Labour Conference, including to give clear assurances that no action will be taken against persons lodging complaints of forced labour, to resolve outstanding allegations of forced labour, to issue the necessary visas to allow a strengthening of the International Labour Organization presence in Myanmar, and to respect the freedom of movement of the Liaison Officer ad interim;

(*k*) To cooperate fully with the Special Envoy and the Special Rapporteur in order to bring Myanmar towards a transition to civilian rule, and to ensure that they are both granted full, free and unimpeded access to Myanmar and that no person cooperating with the Special Envoy, the Special Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment, and to review as a matter of urgency the cases of those currently undergoing punishment in this regard;

(*l*) Without further delay, to cooperate fully with the Special Rapporteur to facilitate an independent international investigation of continuing reports of sexual violence and other abuse of civilians carried out by members of the armed forces in Shan, Karen, Mon and other states;

(*m*) To ensure immediately safe and unhindered access to all parts of Myanmar for the United Nations and international humanitarian organizations and to cooperate fully with those organizations so as to ensure that humanitarian assistance is delivered in accordance with humanitarian principles and reaches the most vulnerable groups of the population in accordance with international law, including applicable international humanitarian law;

(*n*) To ensure that discipline in prisons does not constitute torture or cruel, inhuman or degrading treatment or punishment, and that conditions of detention otherwise meet international standards, and to include the possibility of visiting any detainee, including Aung San Suu Kyi;

(*o*) To ensure that government forces do not engage in food and land requisition or the destruction of villages;

(*p*) To continue to take action to fight the HIV/AIDS epidemic;

4. *Calls upon* the Government of Myanmar:

(*a*) To ensure that the remainder of the National Convention, in particular the subsequent constitution-drafting exercise, becomes genuinely inclusive, through the unhindered participation of all political parties and representatives of ethnic nationalities;

(*b*) To ensure that the proposals tabled at the National Convention for the chapters of the draft constitution are consistent with the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments;

(*c*) To create the conditions for the free operation of existing and new political parties, in advance of the referendum and elections envisaged under the seven-step road map, and to ensure that all eligible citizens are registered to vote in any future referendum and elections and that these are conducted according to international standards with the full participation of all political parties;

(*d*) To pursue through dialogue and peaceful means the immediate suspension and permanent end of conflict with all ethnic groups in Myanmar, including by ensuring that the constitution-drafting process responds to the concerns of the ethnic nationalities, including the ceasefire groups attending the National Convention, and respects their rights, so as to increase the likelihood that the ceasefires will lead to lasting political settlements and peace;

(*e*) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

5. *Requests* the Secretary-General:

(*a*) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

(*b*) To give all necessary assistance to enable his Special Envoy and the Special Rapporteur to discharge their mandate fully and effectively;

(*c*) To report to the General Assembly at its sixty-first session and to the Commission on Human Rights at its sixty-second session on the progress made in the implementation of the present resolution;

6. *Decides* to continue the consideration of the question at its sixty-first session.

69th plenary meeting
23 December 2005